IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2522 of 2002

HONOURABLE MR.JUSTICE KS JHAVERI

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GUJARAT STATE ROAD TRANSPORT CORPROATION - Petitioner(s)

Versus

AMRABHAI RAJABHAI AGHELA - Respondent(s)

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Appearance :
MS ROOPAL R PATEL for Petitioner(s) : 1,
MR MUKESH H RATHOD for Respondent(s) : 1,
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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 22/11/2005

ORAL JUDGMENT

1. This petition is directed against the award dated 18.9.2001 passed by the Labour Court, Rajkot, in Reference (LCR) No.227 of 1996 whereby the petitioner was directed to reinstate the respondent without back wages.

2. The short facts of the case are that the respondent was working as a Conductor with petitioner Corporation. On a surprise checking he was found to be involved in certain irregularities. A departmental inquiry was instituted against him and after following proper procedure, the respondent was

dismissed from service. The respondent, therefore, raised a dispute which was referred to the Labour Court and was registered as Reference (LCR) No.227 of 1996. The Labour Court, after hearing the parties passed the aforesaid award.

3. Learned counsel for the petitioner submitted that looking to the irregularities committed by the respondent, the Labour Court ought not to have set aside the order of dismissal. She further submitted that looking to the misconduct of the respondent some penalty could have been imposed upon the respondent.

4. Learned counsel for the respondent submitted that the Labour Court has not granted back wages and therefore there is no case for interference by this Court in the present petition.

5. As a result of the hearing and perusal of the record it is found that the Labour Court has given cogent and convincing reasons for granting reinstatement with continuity of service. However, looking to the misconduct of the respondent which involved financial irregularities, I am of the view that some penalty is required to be imposed upon the respondent. On the overall facts and circumstances of the case, I am of the opinion that interest of justice would be met by imposing a penalty of stoppage two increments with future effect.

6. Accordingly a penalty of stoppage of two increments with future effect shall be imposed upon the respondent. The award of the Labour Court is modified only to the aforesaid extent. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]

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